

**THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON SEPTEMBER 8, 2004, WITH THE FOLLOWING MEMBERS PRESENT: MARY C. WALKER, PRESIDENT, ROBERT L. PROUD, VICE PRESIDENT AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:30 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO THE FLAG.**

**IN RE: BOARD OF COUNTY COMMISSIONERS...PROCLAMATION...  
“PATRIOT DAY, 2004”...04-0903-009...ADOPTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Board of County Commissioners, Clermont County, Ohio, to issue a Proclamation designating Saturday, September 11, 2004, as “Patriot Day, 2004” in Clermont County, Ohio.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 145-  
04/PAYMENT OF BILLS...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation to adopt Resolution Number **145-04** resolving to sign all Recap Sheets covering all bills presented this date and authorizing payment of same except as noted.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**IN RE: COURT OF COMMON PLEAS/ADULT PROBATION DEPARTMENT  
...LEASE AGREEMENT WITH GLACID PROPERTIES FOR LEASE OF  
OFFICE SPACE FOR THE WEST CLERMONT SATELLITE OFFICE OF  
THE COURT OF COMMON PLEAS/ADULT PROBATION  
DEPARTMENT...04-0810-002...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Bruce Gibson, Chief Probation Officer, Court of Common Pleas/Adult Probation Department, with the concurrence of David L. Spinney, County Administrator, to execute a Lease Agreement by and between the Board of County Commissioners, Clermont County, Ohio, and Glacid Properties, 431 Ohio Pike, Suite 104S, Cincinnati, Ohio, 45255, for the lease of 480 square feet of office space located in the Waycross South Office Complex, 431 Ohio Pike, Cincinnati, Ohio, 45255, for the West Clermont Satellite Office of the Court of Common Pleas/Adult Probation Department, at a cost not to exceed \$4,560.00, for the period of 09/01/04 through 08/31/05, pursuant to the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...ENTERPRISE ZONE AGREEMENT ASSIGNMENT BY AND BETWEEN THE BOARD OF TRUSTEES OF STONELICK TOWNSHIP, CLERMONT COUNTY, OHIO, THE BOARD OF COMMISSIONERS OF CLERMONT COUNTY, OHIO, J & B SYSTEMS COMPANY, INC. (n/k/a KEARNY VENTURES, INC.), WILLIAM E. KEARNEY AND JERRILYN KEARNEY, AND DIVERSAPACK, LLC FOR EXEMPTION OF REAL AND PERSONAL PROPERTY TAXES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE ENTERPRISE ZONE IN THE COUNTY OF CLERMONT, OHIO...02-0212-004...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Andrew Kuchta, Director, Office of Economic Development, with the concurrence of David L. Spinney, County Administrator, to execute an Enterprise Zone Agreement Assignment by and between the Board of Trustees of Stonelick Township, Clermont County, Ohio, the Board of Commissioners of Clermont County, Ohio, J & B Systems Company, Inc. (n/k/a Kearny Ventures, Inc.), William E. Kearney and Jerrilyn Kearney, and Diversapack, LLC, entered heretofore and ratified by the Board on 02/26/02, that provided for the granting of a sixty (60) percent, five (5) year tax exemption on new real property investments and a sixty (60) percent, five (5) year tax exemption on tangible personal property investments first used in business in the State of Ohio at the project site, pursuant to Section 5709.63 of the Ohio Revised Code, to hereby assign the real and tangible personal property tax exemptions from J & B Systems Company, Inc. (n/k/a Kearny Ventures, Inc.), William E. Kearney and Jerrilyn Kearney, to Diversapack, LLC for the expansion and retention of economic development, as well as, the preservation and creation of employment opportunities within the designated boundaries of the Rural Jobs and Enterprise Zone in the County of Clermont, Ohio, and to direct the Clerk of the Board to forward the aforementioned agreement by and between the Board of Township Trustees of Stonelick Township, Clermont County, Ohio, the Board of Commissioners of Clermont County, Ohio, J & B Systems Company, Inc. (n/k/a Kearny Ventures, Inc.), William E. Kearney and Jerrilyn Kearney, and Diversapack, LLC to the Ohio Department of Development, the Ohio Department of Taxation, and the Clermont County Auditor.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**LET THE RECORD SHOW:** Beth Nevel, Director, Department of Public Safety Services, introduced the Board to Mr. Robert Sander, a resident of Pierce Township and advocate for the Clermont County Citizens Corp Council. The Citizens Corp Council was initiated nationally after the tragic events of September 11, 2001, and coordinated through the Federal Emergency Management Agency (FEMA). Mr. Sander's presentation provided the Board with information regarding the mission, programs and grant funding opportunities. He summarized the proposed Clermont County Citizen Corp Council as a program that puts volunteers into service, lead them, and train them with few costs that involve a broad range of groups and agencies providing one cohesive effort.

James Whitworth, Fire Chief, Miami Township, described the efforts in Miami Township to train the first round of volunteers for the CERT program. The first volunteers are currently assisting with disaster relief efforts in Florida from Hurricane Frances. (DC #04-0909-001)

**IN RE: FACILITIES MANAGEMENT DEPARTMENT...EXECUTION OF A LEASE AGREEMENT FOR OFFICE SPACE LOCATED WITHIN THE VILLAGE OF BATAVIA TO HOUSE THE OFFICE OF THE PROSECUTING ATTORNEY, VICTIM/WITNESS ASSISTANCE PROGRAM...04-0901-001...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Wade Grabowski Facilities Management Director, with the concurrence of Stephen Rabolt, Director, Office of Technology, Communications & Security, to execute a Lease Agreement by and between the Board of County Commissioners, Clermont County, Ohio and Kathleen Bastin, 285 East Main Street, Batavia, Ohio 45103, for the lease of office space located at 285 E. Main Street, Batavia Ohio 45103, to house functions of the Office of the Prosecuting Attorney, Victim/Witness Assistance Program, effective for the period of 10/01/04 thru 09/30/05, in the amount of \$583.33 per month, pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT... AWARD OF BID FOR PROJECT NUMBER OH-2003-03 RELATIVE TO THE VILLAGE OF NEW RICHMOND, NEW WATER WELL PROJECT IN CONCERT WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA PROGRAM FOR FISCAL YEAR 2003 AND EXECUTION OF CONTRACT RELATIVE THERETO...04-0622-004... EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Ray Sebastian, Chief Building Official, Department of Community Planning and Development, with the concurrence of David L. Spinney, County Administrator, to award the bid for Project OH-2003-03 relative to the Village of New Richmond, New Water Well Project in concert with the Community Development Block Grant Formula Program for Fiscal Year 2003, pursuant to the plans and specifications therefore, to Moody's of Dayton, Inc. 4359 Infirmary Road, P.O. Drawer 509, Miamisburg, Ohio 45343-0509, as the lowest and best bid therefore received on 07/29/04, in the amount of \$118,700.00, and to execute the Contract relative thereto pursuant to the terms and conditions set forth therein and the award of bid therefore.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES...PURCHASE OF SERVICE AGREEMENT WITH ENA, INC. FOR THE PROVISION OF VARIOUS LEVELS OF THERAPEUTIC FOSTER CARE SERVICES FOR SAME...04-0827-002...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Tim McCartney, Director, Department of Job and Family Services, with the concurrence of Cynthia DeWitt, Assistant County Administrator, to execute the Purchase of Service Agreement by and between the County of Clermont, Ohio, and ENA, Inc., formerly known as Ed Necco & Associates, Inc., 804 Solida Road, South Point, Ohio, 45680, for the provision of various levels of therapeutic foster care services for children in the care and/or custody of the Department of Job and Family Services, at the rates as defined therein, effective for the period of 09/01/04 through 08/31/05, pursuant to the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...AMENDMENT NUMBER ONE TO CONTRACT WITH J & L EQUIPMENT, INC. FOR MAINTENANCE AND REPAIR OF SEWER LINES AND APPURTENANCES...03-1104-002...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Randy Davis, Collections System Supervisor, with the concurrence of Stephen L. Knipp, WSD Assistant Director, Clermont County Sewer District, to execute Amendment Number 1 to the Contract for Maintenance and Repair of Sewer Lines and Appurtenances by and between the County of Clermont, Ohio, and J & L Equipment, Inc., 4000 Roudebush Lane, P.O. Box 347, Batavia, Ohio 45103, previously ratified by the Board on 01/21/04, to include additional equipment at the hourly rates identified in Exhibit "A" attached thereto and made a part thereof, and to provide for payment of premiums on asphalt produced during winter months, with all other terms and conditions of the original contract in full force and effect.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...COUNTY SEWER SYSTEM...GRANT OF SEWER EASEMENT WITH RIGHT OF RE-ENTRY FOR REPAIR AND REPLACEMENT HERETOFORE GRANTED AND CONVEYED TO THE COUNTY OF CLERMONT, OHIO, RELATIVE TO THE CONSTRUCTION OF AN INTERCEPTOR SEPTIC TANK (POD) CONSTRUCTED BY WAYNE HOMES LOCATED AT BETHEL-CONCORD ROAD WITHIN UNION TOWNSHIP....04-0827-001...ACCEPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Carole S. Schulze, Negotiator, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Sewer District, to accept the following Grant of Sewer Easement with Right of Re-Entry for Repair and Replacement heretofore granted and conveyed to the County of Clermont, Ohio, for utility purposes of constructing, operating, maintaining, repairing, replacing, removing or reinstalling and periodically servicing an interceptor septic tank and all incidental fixtures required for the transportation of sewage on, under, and across the property of the grantor relative to the construction of an interceptor septic tank (POD) constructed by Wayne Homes located at Bethel-Concord Road within Tate Township, for the

Permanent Easement and Right-of-Way granted thereby, as outlined below:

Owner	Parcel No.	Compensation
Richard and Michelle Knue 2999 Bethel-Concord Road Bethel, Ohio 45106	32-30-19K-095	Permanent Donated

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: COUNTY ENGINEER...ADDENDUM NUMBER ONE TO EXTEND THE DATE FOR RECEIPT OF BIDS FOR THE MATERIAL PURCHASE OF ALUMINUM BOX CULVERTS FOR PROJECT NUMBER BX-02-04 RELATIVE TO THE BRUSHY FORK ROAD BRIDGE REPLACEMENTS PROJECT LOCATED IN STONELICK TOWNSHIP...04-0519-001...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to approve Addendum Number One to extend the date for receipt of bids for the Material Purchase of Aluminum Box Culverts for Project Number BX-02-04 relative to the Brushy Fork Bridge Replacements Project located in Stonelick Township, from Thursday, **09/02/04**, at **2:00 PM** Local Time to Thursday, **09/09/04**, at **2:00 PM** Local Time to promote competitive bidding.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: COUNTY ENGINEER...RECORD PLAT NUMBER 629-2221 FOR WHISPERING TREES, SECTION III, LOCATED IN BATAVIA TOWNSHIP AND COMBINED PERFORMANCE-MAINTENANCE BOND AS WELL AS PERFORMANCE BOND FOR SIDEWALKS AS SURETY FOR SAME...04-0903-005...EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to execute Record Plat Number **629-2221** for the following subdivision and further to execute the Combined Performance-Maintenance Bond as well as Performance Bond for Sidewalks as surety for same relative to the construction of the below listed streets:

Subdivision/Location	Perf./Maint.	Sidewalk	Street/Length (miles)
Whispering Trees Section III Batavia Township	\$17,000/ \$8,000	\$32,570	River Birch Drive (0.291)

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**IN RE: COUNTY ENGINEER...RECORD PLAT NUMBERS 629-2222 THROUGH 629-2223 FOR THE REPLAT OF LOTS FOR VARIOUS SUBDIVISIONS LOCATED WITHIN PIERCE AND UNION TOWNSHIPS...EXECUTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to execute Record Plat Numbers 629-2222 through 629-2223 for the Replat of Lots for the following subdivisions within Pierce and Union Townships:

Subdivision/Location	Record Plat Number	Reason
Replat of Lot 2 Gorman Commerce Park Union Township DC #04-0903-006	629-2222	To split old lot 2 into new lots 10 and 11
Replat of Lot 16 Christopher Meadows Subdivision Pierce Township DC #04-0903-007	629-2223	To provide a sanitary pod easement

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea;        Mr. Croswell, Yes;    Mrs. Walker, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 146-04/RESOLUTION AUTHORIZING THE ISSUANCE AND AWARD OF SALE TO CONNERS & CO., INC. OF \$1,700,000 SPECIAL ASSESSMENT GENERAL OBLIGATION BONDS, SERIES 2004A RELATIVE TO THE OLIVE BRANCH-STONELICK ROAD WIDENING AND LEXINGTON RUN IMPROVEMENTS PROJECT LOCATED IN BATAVIA TOWNSHIP ...04-0902-002...ADOPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with concurrence of David L. Spinney, County Administrator, to adopt Resolution Number **146-04**, resolving to authorize the issuance of \$1,700,000.00 Olive Branch-Stonelick Road Widening Project Special Assessment General Obligation Bonds, Series 2004A, Clermont County, Ohio, to be dated September 1, 2004, to bear interest at 3.96 percent, accepting the Bond Purchase Agreement with Connors & Co., Inc. to purchase same, and to mature twenty years therefrom in concert with the schedule therefore in anticipation of the collection of special assessments heretofore levied for the purpose of constructing the roadway improvements known as the Olive Branch-Stonelick Road Widening and Lexington Run Improvements Project located in Batavia Township, together with other permissible costs under the Uniform Public Securities Law, including financing costs, costs of municipal bond insurance, the costs of printing the bonds or other evidences of indebtedness, expense of delivery of bonds, service charges of the paying agent, bond rating if any, legal services and obtaining an approving legal opinion relative thereto pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea;        Mr. Croswell, Yes;    Mrs. Walker, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 147-04/RESOLUTION AUTHORIZING THE ISSUANCE AND AWARD OF SALE TO SEASONGOOD & MAYER, LLC OF \$460,000 SPECIAL ASSESSMENT GENERAL OBLIGATION BONDS, SERIES 2004B RELATIVE TO THE NORTH AFTON SANITARY SEWER (PHASE 2) PROJECT LOCATED IN BATAVIA AND WILLIAMSBURG TOWNSHIPS...04-0902-003...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with concurrence of David L. Spinney, County Administrator, to adopt Resolution Number **147-04**, resolving to authorize the issuance of \$460,000.00 North Afton Sewer Project Special Assessment General Obligation Bonds, Series 2004B, Clermont County, Ohio, to be dated September 1, 2004, to bear interest at 3.86 percent, accepting the Bond Purchase Agreement with Seasongood & Mayer, LLC to purchase same, and to mature twenty years therefrom in concert with the schedule therefore in anticipation of the collection of special assessments heretofore levied for the purpose of constructing the sanitary sewer main installation known as the North Afton Sanitary Sewer (Phase 2) Project located in Batavia and Williamsburg Townships, together with other permissible costs under the Uniform Public Securities Law, including financing costs, costs of municipal bond insurance, the costs of printing the bonds or other evidences of indebtedness, expense of delivery of bonds, service charges of the paying agent, bond rating if any, legal services and obtaining an approving legal opinion relative thereto pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...DESIGNATION OF APPOINTMENT TO SERVE ON THE CLERMONT COUNTY PLANNING COMMISSION...03-0929-008...APPOINTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation to designate Theresa Ervin Conover, AICP, 909 State Route 131, Milford, Ohio 45150-1824 to serve on the Clermont County Planning Commission to fill the unexpired term of Chris Rosenhofer, effective 09/08/04 to 09/04/06, pursuant to Section 713.22 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 148-04/RESOLUTION SUPPORTING CREATION OF FOURTH GENERAL DIVISION COMMON PLEAS JUDGESHIP...04-0902-001...ADOPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to adopt Resolution Number **148-04** requesting that the Supreme Court of Ohio review and approve the creation of an additional position for the General Division Common Pleas Court and to submit the appropriate request to the General Assembly of the State of Ohio to adopt legislation creating said additional General Division Common Pleas Judge position for Clermont County, Ohio, to be effective January 1, 2007, and further upon adoption of the legislature, the County will provide the appropriate courtroom, jury room and supporting staff for the new General Division Common Pleas Judge to be reflected in the appropriate budgetary appropriation for Calendar Year 2007 and all yearly appropriations thereafter.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea;        Mr. Croswell, Yes;    Mrs. Walker, Yes.

**IN RE:            MAINTENANCE AGREEMENTS FOR VARIOUS DEPARTMENTS FOR  
THE PROVISION OF MAINTENANCE ON OFFICE EQUIPMENT...  
EXECUTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Requests from various departments to execute Maintenance Agreements with various vendors for the provision of maintenance on the following equipment at the rates and the terms outlined below, pursuant to the terms and conditions set forth therein:

Department	Vendor	Equipment/Model #/ Serial Number(s)	Rate	Term
Common Pleas Court DC #04-0825-002	IKON Office Solutions Inc. Great Lakes P.O. Box 802558 Chicago, Illinois 60680-2558	Canon IR400S S/N: NQG12227	\$2,049.39 plus \$0.01210 per copy for copies over 105,000	07/21/04 through 07/20/05
Common Pleas Court DC #04-0831-002	Assured Micro-Services 945 North Bend Road Cincinnati, Ohio 45224	Minolta MS6000 Scanner with MSP3000 Printer, Lens, Interface, RFC- 15M S/N: 33009919	\$1,491.74 plus \$0.02 per copy for copies over 30,000	09/11/04 through 09/10/05

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes;        Mr. Proud, Yea;        Mrs. Walker, Yes.

**IN RE:            OFFICE OF MANAGEMENT AND BUDGET...REQUEST TO JOIN THE  
OHIO COOPERATIVE PURCHASING PROGRAM FOR STATE FISCAL  
YEAR 2004...04-0903-004...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget to join the Ohio Cooperative Purchasing Program for Fiscal Year 2005 and to authorize payment of the annual dues in the amount of \$425.00 for membership therein, pursuant to Section 125.04 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:



Mr. Proud, Yea; Mr. Croswell, Yes; Mrs. Walker, Yes.

**IN RE: COUNTY ENGINEER...RESOLUTION NUMBER 149-04/RESOLUTION AUTHORIZING EXCHANGE OF STATE ROUTE 28 BYPASS WITH THE STATE OF OHIO, DIRECTOR OF TRANSPORTATION, TO BECOME PART OF THE STATE ROADWAY SYSTEM; ESTABLISHING EXISTING STATE ROUTE 28 (APPROXIMATELY 1.25 MILES) AS A ROADWAY WITHIN THE COUNTY HIGHWAY SYSTEM AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTION FOR SAID EXCHANGE...04-0908-001...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to adopt Resolution Number **149-04** resolving to authorize the exchange of State Route 28 Bypass with the State of Ohio Director of Transportation, to become part of the state roadway system; establishing existing State Route 28 (approximately 1.25 miles) as a roadway within the county highway system and authorizing execution of agreement with the State of Ohio, Department of Transportation for said exchange as set forth in Exhibit A, attached thereto and made a part thereof, and that the State will dedicate payment of 10.5 million dollars to retire the remaining bond debt on State Route 28 Bypass or the County will escrow said payment from the State, until the debt is retired, with the remaining balance, if any, to be expended by the County Engineer for improvements contemplated therein; upon completion of the exchange of State Route 28 to the county highway system and State Route 28 Bypass to the state highway system, the Board agrees to subrogate to the State, any right, claim, interest and/or right of action, whether contingent or vested, arising out of or related to any contract entered into by the County for work performed on SR 28 Bypass, with the intent that the State will be fully substituted for the County and subrogated to all of the County's rights to recover under such claims and further upon completion of the exchange, the County shall establish by separate resolution the date upon which the view of the new county road, to become known as State Route 28 Bypass, to undertake improvements according to the procedures pursuant to Ohio Revised Code Chapters 5553 and 5555.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Yes.

**LET THE RECORD SHOW:** A motion by Mr. Proud, seconded by Mrs. Walker, to go into Executive Session at 3:05 P.M. pursuant to section 121.22(G)(4) of the Ohio Revised Code regarding collective bargaining, carried with all members voting affirmatively thereon.

**LET THE RECORD SHOW:** The Executive Session concluded and Regular Session resumed at 3:40 P.M. with no action taken.

**IN RE: BOARD OF COUNTY COMMISSIONERS...FINANCIAL/BUDGETARY ACTIONS FOR FISCAL YEAR 2004...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of David L. Spinney, County Administrator, to approve financial/budgetary actions as they relate to changes

in the Annual Appropriation Resolution for Fiscal Year 2004 (Resolution Number 226-03) and/or interfund transactions as outlined in the following table(s) and authorize Linda Fraley, County Auditor, to properly record same:

TRANSFER OF FUNDS:

\$ 600.00	From General Fund 100-7010-5300 to 100-7010-6100 (Department of Community Planning & Development Purchased Services to Maintenance & Repair Budget)
\$ 15,000.00	From Motor Vehicle & Gas Tax Fund 206-3092-5300 to 206-3093-5700 (Engineer-Roads Purchased Services to Engineer-Bridges Materials & Supplies)
\$ 45,000.00	From Motor Vehicle & Gas Tax Fund 206-3092-5700 to 206-3093-5700 (Engineer-Roads to Engineer-Bridges Materials & Supplies)
\$ 27,000.00	Health Insurance Fund 810-8601-5300 to 810-8600-5200 (Employee Assistance Plan Purchased Services to Health Insurance Fringe Benefits)
\$ 13,000.00	Health Insurance Fund 810-8602-5700 to 810-8600-5200 (Wellness Program Materials & Supplies to Health Insurance Fringe Benefits)

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2004:

\$ 49,246.00	Emergency Management Agency Fund	211-4011-5300	Purchased Services
\$ 61,502.48	Emergency Management Agency Fund	211-4011-5700	Materials & Supplies
\$ 541,833.52	Emergency Management Agency Fund	211-4011-6600	Capital Outlay
\$ 10,000.00	Juvenile Court Computerization Fund	265-2141-5700	Materials & Supplies
\$ 1,800,000.00	Planning & Development Fund	418-7019-6600	Capital Outlay
\$ 500,000.00	Health Insurance Fund	810-8600-5200	Fringe Benefits

CASH TRANSFER OF FUNDS:

\$ 110,000.00	From Water Revenue Fund 601-8550-7310 to Water & Sewer Combined Services Fund 603-0603-4871
\$ 110,000.00	From Sewer Revenue Fund 602-8530-7310 to Water & Sewer Combined Services Fund 603-0603-4871

REIMBURSEMENT OF FUNDS:

\$ 1,205.50	From Public Assistance Fund 204-6240-7220 to Children Services Fund 208-0208-4821
\$ 1,431.60	From Public Assistance Fund 204-6240-7220 to Family & Children First Fund 944-0944-4821-7003
\$ 1,135.36	From Public Assistance Fund 204-6240-7220 to Family & Children First Fund 944-0944-4821-7004
\$ 70,247.19	From Children Services Fund 208-6242-7220 to Public Assistance Fund 204-0204-4821

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea;        Mr. Croswell, Yes;    Mrs. Walker, Yes.

**IN RE:            TRAINING AND TRAVEL REQUESTS...REIMBURSEMENT OF EXPENSES RELATIVE TO SAME...APPROVED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures of the Board and in compliance with the Annual Appropriations for Fiscal Year 2004 and any and all amendments subsequent thereto:

**OFFICE OF ECONOMIC DEVELOPMENT**

**Andrew Kuchta:** Two (2) days – Geneva-on-the-Lake, Ohio – On site visit to the Lodge and Conference Center at Geneva State Park in Ashtabula County - Total expenses not to exceed \$163.85.

**CLERMONT COUNTY SEWER DISTRICT**

**William Johnson:** One (1) day – Xenia, Ohio - Southwest Ohio Water Environment Association Section Meeting - Total expenses not to exceed \$15.00.

**Steve Knipp, Randy Davis, and Dennis Jones:** One (1) day – Cincinnati, Ohio – Ohio Water Environment Association Workshop “Best Management Practices” - Total expenses not to exceed \$45.00.

**COMMON PLEAS COURT/DOMESTIC RELATIONS DIVISION**

**Judge Michael J. Voris:** Three (3) days – Columbus, Ohio – Ohio Judicial Conference Annual Meeting - Total expenses not to exceed \$730.00.

**Magistrate Winslow Johnson:** Six (6) days – Charleston, South Carolina – National Judicial College, Judicial Writing Course – Total expenses not to exceed \$3,147.00.

**OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY**

**Barb Brown:** One (1) day – Cincinnati, Ohio – Association of Records Managers and Administrators September Meeting - Total expenses not to exceed \$15.00.

**TREATMENT ALTERNATIVES TO STREET CRIME**

**Dee Hargitt:** Five (5) days – Arlington, Virginia – National TASC Conference on Drugs and Crime “Building Safer Communities through Partnerships to Restore Individuals and Families” - Total expenses not to exceed \$1,445.00.

**COUNTY ENGINEER**

**Pat Manger, Craig Stephensen, Doug Royer, Todd Gadbury and Bobbi Griswold:** One (1) day – Bethel, Ohio – Ohio Valley Regional Development Commission Annual Full Commission Banquet and Meeting - Total expenses not to exceed \$80.00.

**COUNTY SHERIFF**

**William Brewer and Jonathon Feldkamp:** Two (2) days – Hamilton County, Ohio – Intoxilyzer 5000 Senior Operator Certification - Total expenses not to exceed \$0.00.

**Matthew W. Hurtz:** Two (2) days – Sharonville, Ohio – Motorcycle Rider Course - Total expenses not to exceed \$25.00.

**DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT**

**Cory W. Wright:** One (1) day – Ohio Valley Regional Development Commission Annual Full Commission Banquet and Meeting - Total expenses not to exceed \$20.00.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes;      Mr. Proud, Yea;      Mrs. Walker, Yes.

**IN RE:            PERSONNEL ACTION FORMS...APPROVED AND SIGNED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners

approve the following recommendation:

Recommendation of the Department of Human Resources, with the concurrence of David L. Spinney, County Administrator, to approve the following personnel actions:

**DEPARTMENT OF JOB AND FAMILY SERVICES**

**Whitmore Joe:** PA #13389 – Income Maintenance Worker 3 – Change/End of Probation – Effective 09/06/2004.

**Julie Dick:** PA #13390 – Social Services Worker 3 – Separation/Resigned – Effective 09/10/2004.

**Tammi Walton:** PA #13392 – Income Maintenance Worker 3 – Change/End of Probation – Effective 09/06/2004.

**Kerry Howard:** PA #13393 – Income Maintenance Worker 3 – Change/End of Probation – Effective 09/06/2004.

**BOARD OF COUNTY COMMISSIONERS**

**Gael Fawley:** PA #13391 – Administrative Support Coordinator – Separation/Resigned – Effective 09/17/2004.

**Connie Tibbe:** PA #13394 – Executive Assistant 2 – Separation/Resigned – Effective 09/24/2004.

**DEPARTMENT OF HUMAN RESOURCES**

**Robert E. Sander:** PA #13395 – Human Resources Administrator – Appointment/Full Time Permanent – Effective 09/27/2004.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea;      Mr. Croswell, Yes;      Mrs. Walker, Yes.

**LET THE RECORD SHOW:** That a motion by Mrs. Walker, seconded by Mr. Proud, to approve the minutes of Work Session of **07/20/04** carried with all members present voting affirmatively thereupon.

**LET THE RECORD SHOW:** That a motion by Mr. Proud, seconded by Mr. Croswell, to approve the minutes of Regular Session of **09/08/04** carried with all members present voting affirmatively thereupon.

**IN RE:      ADJOURNMENT...**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes;      Mr. Proud, Yea;      Mrs. Walker, Yes.

BOARD OF COUNTY COMMISSIONERS  
CLERMONT COUNTY, OHIO

---

MARY C. WALKER, PRESIDENT

---

ROBERT L. PROUD, VICE PRESIDENT

---

R. SCOTT CROSWELL III, MEMBER

---

JUDITH KOCICA, CLERK OF THE BOARD

09/08/04  
DATE APPROVED